

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Conf. No.: **4668**
Daria Onichtchouk) Art Unit: **1632**
Serial No. **10/550,985**)
Filed: **September 26, 2005**) Examiner: **Magdalene K. Sgagias**
For: **USE OF SAPOSIN-RELATED PROTEINS**)
FOR PREVENTING AND TREATING)
OBESITY, DIABETES AND/OR)
METABOLIC SYNDROME)

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement mailed December 29, 2006, Applicants provisionally elect with traverse Group I which encompasses Claims 37-45, drawn to a method for treatment using as a pharmaceutical composition a saposin-related product and/or modulator/effector thereof to promote the protection, survival and/or regeneration of insulin producing cells comprising administering to the cells of a patient in need thereof an effective amount of a saposin-related product and/or a modulator/effector thereof. The restriction requirement is respectfully traversed on the basis that the examination of each of the groups of claims would not be a serious burden on the Patent Office because of their close technological relationship.

I hereby certify that this correspondence is being electronically filed with the Commissioner for Patents, Mail Stop: Amendment, P.O. Box 1450, Alexandria, VA 22313-1450 on January 26, 2006.

William L. Warren - Reg. No. 36,714

In particular, patentability of the claimed use of a saposin-related product or modulator/effector claimed thereof, is not believed to depend upon the mode of delivery (pharmaceutical composition, implant, gene therapy or cellular therapy). Moreover, Claims 38-51 all depend from Claim 37, and therefore, should not be subject to restriction and at most would be a species election.

In order for a restriction requirement to be appropriate, there must be a serious burden on the Patent Office to search all of the inventions, and the inventions must be independent or distinct as claimed. For the foregoing reason, Applicants respectfully elect with traverse Group I (Claims 37-45).

The foregoing is submitted as a full and complete response to the Restriction Requirement mailed December 29, 2006. If there are any issues which can be resolved by telephone conference, the Examiner is invited to call the undersigned attorney at (404) 853-8081. No additional fees are believed to be due, however, the Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 19-5029.

Respectfully submitted,



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